

IN THE

Supreme Court, U.S.
FILED

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Supreme Court of the United States

October Term 1941

No. 723

UNITED STATES OF AMERICA

Appellant

against

MASONITE CORPORATION, et al.

Appellees

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF NEW YORK

Brief for Insulite Company, Johns-Manville Sales
Corporation, National Gypsum Company, Wood
Conversion Company and Dant & Russell, Inc.,
Appellees

JOHN B. FAEGRE,

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Counsel for Appellee Insulite Company.

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ELMER E. FINCK,

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These Appellees are *del credere* agents acting under the 1941 agreements with Masonite Corporation. As such agents their position in this litigation is similar in all respects.

Counsel for these Appellees have read the separate Briefs being submitted by the other Appellees and concur in the views therein expressed.

In addition, counsel for these Appellees specially request the Court's attention to the following Stipulations of Facts which set forth special facts and circumstances of importance to the respective rights of their clients and to a proper judgment on the case as a whole, to wit:

- (1) Stipulation as to certain facts affecting Insulite Company (R. 622 *et seq.*).

- (2) Stipulation as to certain facts affecting Johns-Manville Sales Corporation (R. 706 *et seq.*).
- (3) Stipulation as to certain facts affecting National Gypsum Company (R. 632 *et seq.*).
- (4) Stipulation as to certain facts affecting Wood Conversion Company (R. 629 *et seq.*).
- (5) Stipulation as to certain facts affecting Dant & Russell, Inc. (R. 634 *et seq.*).

Accordingly, these Appellees respectfully submit that the final judgment of the District Court should be affirmed.

Respectfully submitted,

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